

Executive Summary – Enforcement Matter – Case No. 45478
E. I. du Pont de Nemours and Company
RN100542711
Docket No. 2012-2344-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dupont Sabine River Works, 3055 Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-1198-IWD-E and 2012-0624-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,126

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,251

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,250

Name of SEP: Texas PTA - Texas PTA Clean School Buses

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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RN100542711
Docket No. 2012-2344-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 28, 2012

Date(s) of NOE(s): October 26, 2012

Violation Information

1. Failed to prevent unauthorized emissions during an emissions event that occurred on June 9, 2012 in the G Unit of the Number 3 Makeup/Number 6 Recycle Compressor, Emission Point No. ("EPN") PL-GRV3, and lasted three minutes (Incident No. 169473). Specifically, Respondent released 349 pounds ("lbs") of ethylene to the CDG Flare, EPN PL-22, when the compressor was inadvertently shut down by an operator. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02055, Special Terms and Conditions ("STC") No. 11].

2. Failed to prevent unauthorized emissions during an emissions event that occurred on August 8, 2012 at the Number 4 Hyper Compressor located in the G Unit, EPN PLUMG, and lasted one minute (Incident No. 172088). Specifically, Respondent released 834.93 lbs of ethylene, 55.59 lbs of iso-butyl acrylate, 18.53 lbs of methyl acrylic acid, and 17.48 lbs of propane to the atmosphere when an operator inadvertently closed a discharge valve that led to a pressure increase and eventual rupture of a safety disc. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 20204, SC No. 1, and FOP No. O-02055, STC No. 11].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On August 28, 2012, corrected the red and green indicator lights on the Makeup/Number 6 Recycle breaker;
- b. On September 11, 2012, conducted area specific refresher personnel training on how to analyze load status of the breakers;
- c. On September 14, 2012, updated the unit procedure to include a requirement to verify the condition of equipment and labeling prior to equipment racking;

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d. On October 2, 2012, color coded the screens on the control console to improve recognition of each Hyper Compressor; and

e. On October 15, 2012, conducted training for four shifts of personnel to communicate the need for operators to be more attentive and to ensure they are using the correct equipment screens before making changes to the process.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: John R. Laughlin, Site Manager, E. I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-2344-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Ten Thousand Five Hundred One Dollars (\$10,501)
SEP Offset Amount:	Five Thousand Two Hundred Fifty Dollars (\$5,250)
Type of SEP:	Contribution to a Third-Party Recipient SEP
Third-Party Recipient:	Texas PTA - <i>Texas PTA Clean School Buses</i>
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned
PCW

29-Oct-2012
13-Nov-2012

Screening

7-Nov-2012

EPA Due

23-Jul-2013

RESPONDENT/FACILITY INFORMATION

Respondent E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No. RN100542711
Facility/Site Region 10-Beaumont Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 45478 No. of Violations 2
Docket No. 2012-2344-AIR-E Order Type 1660
Media Program(s) Air Government/Non-Profit No
Multi-Media EC's Team Enforcement Team 4
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Enhancement Subtotals 2, 3, & 7 \$7,500

Notes Enhancement for 15 orders with denial of liability, two orders without denial of liability, two NOV's with same/similar violations, and 12 NOV's with dissimilar violations.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,874

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$18
Approx. Cost of Compliance \$1,650
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$13,126

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$13,126

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$13,126

DEFERRAL

20.0%

Reduction

Adjustment -\$2,625

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$10,501

Screening Date 7-Nov-2012

Docket No. 2012-2344-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 45478

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	15	300%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 384%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 15 orders with denial of liability, two orders without denial of liability, two NOVs with same/similar violations, and 12 NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 384%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 7-Nov-2012

Docket No. 2012-2344-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 45478

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02055, Special Terms and Conditions ("STC") No. 11

Violation Description

Failed to prevent unauthorized emissions during an emissions event that occurred on June 9, 2012 in the G Unit of the Number 3 Makeup/Number 6 Recycle Compressor, Emission Point No. ("EPN") PL-GRV3, and lasted three minutes (Incident No. 169473). Specifically, the Respondent released 349 pounds ("lbs") of ethylene to the CDG Flare, EPN PL-22, when the compressor was inadvertently shut down by an operator. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent returned to compliance on September 14, 2012 and the NOE is dated October 26, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 45478

Reg. Ent. Reference No. RN100542711

Media Air

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$750	9-Jun-2012	14-Sep-2012	0.27	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual costs to implement measures, procedures, and training designed to improve operational and maintenance practices in order to prevent a recurrence of emissions events due to similar causes as Incident No. 169473. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$10

Screening Date 7-Nov-2012

Docket No. 2012-2344-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 3 (September 2011)

Case ID No. 45478

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100542711

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 20204, SC No. 1, and FOP No. O-02055, STC No. 11

Violation Description

Failed to prevent unauthorized emissions during an emissions event that occurred on August 8, 2012 at the Number 4 Hyper Compressor located in the G Unit, EPN PLUMG, and lasted one minute (Incident No. 172088). Specifically, the Respondent released 834.93 lbs of ethylene, 55.59 lbs of iso-butyl acrylate, 18.53 lbs of methyl acrylic acid, and 17.48 lbs of propane to the atmosphere when an operator inadvertently closed a discharge valve that led to a pressure increase and eventual rupture of a safety disc. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on October 15, 2012 and the NOE is dated October 26, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 45478

Reg. Ent. Reference No. RN100542711

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$900	8-Aug-2012	15-Oct-2012	0.19	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual costs to implement measures, procedures, and training designed to improve operational and maintenance practices in order to prevent a recurrence of emissions events due to similar causes as Incident No. 172088. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$900

TOTAL

\$8

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600128284, RN100542711, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification:	SATISFACTORY	Rating:	9.40
Regulated Entity:	RN100542711, DUPONT SABINE RIVER WORKS	Classification:	SATISFACTORY	Rating:	27.45
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3055 FARM-TO-MARKET ROAD 1006, ORANGE, TX 77630-8045, ORANGE COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0007J

AIR OPERATING PERMITS PERMIT 1868

AIR OPERATING PERMITS PERMIT 1896

AIR OPERATING PERMITS PERMIT 1898

AIR OPERATING PERMITS PERMIT 1900

AIR OPERATING PERMITS PERMIT 1996

AIR OPERATING PERMITS PERMIT 2055

AIR OPERATING PERMITS PERMIT 2331

POLLUTION PREVENTION PLANNING ID NUMBER P00193

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30019

AIR NEW SOURCE PERMITS REGISTRATION 72030

AIR NEW SOURCE PERMITS PERMIT 914

AIR NEW SOURCE PERMITS PERMIT 1423

AIR NEW SOURCE PERMITS PERMIT 1423B

AIR NEW SOURCE PERMITS PERMIT 2004

AIR NEW SOURCE PERMITS PERMIT 2490

AIR NEW SOURCE PERMITS PERMIT 7021

AIR NEW SOURCE PERMITS REGISTRATION 10447

AIR NEW SOURCE PERMITS REGISTRATION 12967

AIR NEW SOURCE PERMITS PERMIT 17157

AIR NEW SOURCE PERMITS PERMIT 21236

AIR NEW SOURCE PERMITS REGISTRATION 23646

AIR NEW SOURCE PERMITS REGISTRATION 25167

AIR NEW SOURCE PERMITS REGISTRATION 26325

AIR NEW SOURCE PERMITS REGISTRATION 28148

AIR NEW SOURCE PERMITS REGISTRATION 36046

AIR NEW SOURCE PERMITS REGISTRATION 41263

AIR NEW SOURCE PERMITS REGISTRATION 44528

AIR NEW SOURCE PERMITS REGISTRATION 47671

AIR NEW SOURCE PERMITS REGISTRATION 71863

AIR NEW SOURCE PERMITS PERMIT 49076

AIR NEW SOURCE PERMITS REGISTRATION 70647

AIR NEW SOURCE PERMITS REGISTRATION 71054

AIR NEW SOURCE PERMITS REGISTRATION 53130

AIR NEW SOURCE PERMITS REGISTRATION 53324

AIR NEW SOURCE PERMITS REGISTRATION 71829

AIR NEW SOURCE PERMITS REGISTRATION 53572

AIR OPERATING PERMITS PERMIT 1350

AIR OPERATING PERMITS PERMIT 1895

AIR OPERATING PERMITS PERMIT 1897

AIR OPERATING PERMITS PERMIT 1899

AIR OPERATING PERMITS PERMIT 1901

AIR OPERATING PERMITS PERMIT 2001

AIR OPERATING PERMITS PERMIT 2074

AIR OPERATING PERMITS PERMIT 1882

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079642

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50230

AIR NEW SOURCE PERMITS PERMIT 9629

AIR NEW SOURCE PERMITS PERMIT 914A

AIR NEW SOURCE PERMITS PERMIT 1423A

AIR NEW SOURCE PERMITS PERMIT 1423C

AIR NEW SOURCE PERMITS PERMIT 2116

AIR NEW SOURCE PERMITS PERMIT 5745

AIR NEW SOURCE PERMITS PERMIT 9176

AIR NEW SOURCE PERMITS REGISTRATION 11434

AIR NEW SOURCE PERMITS PERMIT 16327

AIR NEW SOURCE PERMITS PERMIT 20204

AIR NEW SOURCE PERMITS REGISTRATION 22977

AIR NEW SOURCE PERMITS REGISTRATION 24252

AIR NEW SOURCE PERMITS REGISTRATION 26158

AIR NEW SOURCE PERMITS REGISTRATION 26410

AIR NEW SOURCE PERMITS REGISTRATION 32733

AIR NEW SOURCE PERMITS REGISTRATION 37488

AIR NEW SOURCE PERMITS REGISTRATION 42054

AIR NEW SOURCE PERMITS REGISTRATION 46790

AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0007J

AIR NEW SOURCE PERMITS REGISTRATION 75999

AIR NEW SOURCE PERMITS AFS NUM 4836100002

AIR NEW SOURCE PERMITS REGISTRATION 70650

AIR NEW SOURCE PERMITS REGISTRATION 71338

AIR NEW SOURCE PERMITS REGISTRATION 56781

AIR NEW SOURCE PERMITS REGISTRATION 55710

AIR NEW SOURCE PERMITS REGISTRATION 72443

AIR NEW SOURCE PERMITS REGISTRATION 56055

AIR NEW SOURCE PERMITS REGISTRATION 73921
AIR NEW SOURCE PERMITS REGISTRATION 76581
AIR NEW SOURCE PERMITS REGISTRATION 76580
AIR NEW SOURCE PERMITS REGISTRATION 76690
AIR NEW SOURCE PERMITS REGISTRATION 78820
AIR NEW SOURCE PERMITS REGISTRATION 78445
AIR NEW SOURCE PERMITS REGISTRATION 80163
AIR NEW SOURCE PERMITS REGISTRATION 79817
AIR NEW SOURCE PERMITS REGISTRATION 80740
AIR NEW SOURCE PERMITS REGISTRATION 80739
AIR NEW SOURCE PERMITS REGISTRATION 80736
AIR NEW SOURCE PERMITS REGISTRATION 80930
AIR NEW SOURCE PERMITS REGISTRATION 80705
AIR NEW SOURCE PERMITS REGISTRATION 80707
AIR NEW SOURCE PERMITS REGISTRATION 80743
AIR NEW SOURCE PERMITS REGISTRATION 81411
AIR NEW SOURCE PERMITS REGISTRATION 81430
AIR NEW SOURCE PERMITS REGISTRATION 81828
AIR NEW SOURCE PERMITS REGISTRATION 82031
AIR NEW SOURCE PERMITS REGISTRATION 84794
AIR NEW SOURCE PERMITS REGISTRATION 90758
AIR NEW SOURCE PERMITS REGISTRATION 84928
AIR NEW SOURCE PERMITS REGISTRATION 90117
AIR NEW SOURCE PERMITS REGISTRATION 91404
AIR NEW SOURCE PERMITS REGISTRATION 91433
AIR NEW SOURCE PERMITS REGISTRATION 93838
AIR NEW SOURCE PERMITS REGISTRATION 95104
AIR NEW SOURCE PERMITS REGISTRATION 99037
AIR NEW SOURCE PERMITS REGISTRATION 98635
AIR NEW SOURCE PERMITS REGISTRATION 100137
AIR NEW SOURCE PERMITS REGISTRATION 101050
AIR NEW SOURCE PERMITS REGISTRATION 101160
AIR NEW SOURCE PERMITS REGISTRATION 99960
AIR NEW SOURCE PERMITS REGISTRATION 99940
AIR NEW SOURCE PERMITS REGISTRATION 101055
AIR NEW SOURCE PERMITS REGISTRATION 101137
AIR NEW SOURCE PERMITS REGISTRATION 96918
AIR NEW SOURCE PERMITS REGISTRATION 98924
AIR NEW SOURCE PERMITS REGISTRATION 101083
AIR NEW SOURCE PERMITS REGISTRATION 104097
AIR NEW SOURCE PERMITS REGISTRATION 102793
AIR NEW SOURCE PERMITS REGISTRATION 104103
AIR NEW SOURCE PERMITS REGISTRATION 104054
AIR NEW SOURCE PERMITS REGISTRATION 104059
AIR NEW SOURCE PERMITS REGISTRATION 102344
AIR NEW SOURCE PERMITS REGISTRATION 102561
AIR NEW SOURCE PERMITS REGISTRATION 104052
AIR NEW SOURCE PERMITS REGISTRATION 104723
AIR NEW SOURCE PERMITS REGISTRATION 104057
AIR NEW SOURCE PERMITS REGISTRATION 107032
AIR NEW SOURCE PERMITS REGISTRATION 106268
AIR NEW SOURCE PERMITS REGISTRATION 106821
AIR NEW SOURCE PERMITS REGISTRATION 106448
STORMWATER PERMIT TXR05L392
WATER RIGHTS ID NUMBER 4664
WASTEWATER EPA ID TX0006327

AIR NEW SOURCE PERMITS REGISTRATION 73779
AIR NEW SOURCE PERMITS REGISTRATION 76955
AIR NEW SOURCE PERMITS REGISTRATION 76726
AIR NEW SOURCE PERMITS REGISTRATION 78770
AIR NEW SOURCE PERMITS REGISTRATION 79048
AIR NEW SOURCE PERMITS REGISTRATION 79512
AIR NEW SOURCE PERMITS REGISTRATION 80331
AIR NEW SOURCE PERMITS REGISTRATION 80113
AIR NEW SOURCE PERMITS REGISTRATION 80742
AIR NEW SOURCE PERMITS REGISTRATION 80738
AIR NEW SOURCE PERMITS REGISTRATION 80712
AIR NEW SOURCE PERMITS REGISTRATION 81074
AIR NEW SOURCE PERMITS REGISTRATION 80706
AIR NEW SOURCE PERMITS REGISTRATION 80711
AIR NEW SOURCE PERMITS REGISTRATION 81410
AIR NEW SOURCE PERMITS REGISTRATION 81431
AIR NEW SOURCE PERMITS REGISTRATION 81292
AIR NEW SOURCE PERMITS REGISTRATION 81587
AIR NEW SOURCE PERMITS REGISTRATION 83760
AIR NEW SOURCE PERMITS REGISTRATION 85529
AIR NEW SOURCE PERMITS REGISTRATION 86825
AIR NEW SOURCE PERMITS REGISTRATION 91170
AIR NEW SOURCE PERMITS REGISTRATION 87511
AIR NEW SOURCE PERMITS REGISTRATION 91398
AIR NEW SOURCE PERMITS REGISTRATION 92418
AIR NEW SOURCE PERMITS REGISTRATION 93700
AIR NEW SOURCE PERMITS REGISTRATION 95774
AIR NEW SOURCE PERMITS REGISTRATION 98962
AIR NEW SOURCE PERMITS REGISTRATION 100489
AIR NEW SOURCE PERMITS REGISTRATION 100124
AIR NEW SOURCE PERMITS REGISTRATION 101051
AIR NEW SOURCE PERMITS REGISTRATION 99542
AIR NEW SOURCE PERMITS REGISTRATION 101075
AIR NEW SOURCE PERMITS REGISTRATION 101065
AIR NEW SOURCE PERMITS REGISTRATION 97864
AIR NEW SOURCE PERMITS REGISTRATION 98907
AIR NEW SOURCE PERMITS REGISTRATION 98665
AIR NEW SOURCE PERMITS REGISTRATION 98937
AIR NEW SOURCE PERMITS REGISTRATION 104095
AIR NEW SOURCE PERMITS REGISTRATION 104083
AIR NEW SOURCE PERMITS REGISTRATION 101938
AIR NEW SOURCE PERMITS REGISTRATION 104088
AIR NEW SOURCE PERMITS REGISTRATION 102106
AIR NEW SOURCE PERMITS REGISTRATION 104086
AIR NEW SOURCE PERMITS REGISTRATION 104091
AIR NEW SOURCE PERMITS REGISTRATION 104048
AIR NEW SOURCE PERMITS REGISTRATION 104050
AIR NEW SOURCE PERMITS REGISTRATION 104090
AIR NEW SOURCE PERMITS REGISTRATION 102624
AIR NEW SOURCE PERMITS REGISTRATION 106067
AIR NEW SOURCE PERMITS REGISTRATION 106680
AIR NEW SOURCE PERMITS REGISTRATION 106740
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810114
STORMWATER PERMIT TXR15T094
WASTEWATER PERMIT WQ0000475000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30019

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: December 12, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 06, 2007 to November 06, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
INVISTA S.a r.l., OWNER OPERATOR, 3/2/2004 to 7/1/2009
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1. Effective Date: 04/28/2008 ADMINORDER 2007-0760-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914, SC 7 PERMIT

O-02074, SC 15 OP

Description: Failed to sample cooling tower water according to the requirements of the TCEQ Sampling Procedures Manual Appendix P.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)
5C THSC Chapter 382 382.0518(a)

Description: Failed to represent 176 flanges and 88 valves in the permit application for Air Permit No. 914.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1H OP

Description: Failed to monitor 88 valves, and 15 pumps.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct quarterly opacity observations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 914 SC 9E PERMIT

O-02074 SC 15 OP

O-02074 SC 1A OP

Description: Failed to equip eight OEL's with a cap, blind flange, plug, or a second valve during the certification period of September 1, 2005 through February 28, 2006, and failed to equip 29 OEL's with a cap, blind flange, plug, or a second

valve during the certification period of April 11, 2006 through October 10, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-02074 SC 1A OP

Description: Failed to monitor carbon canisters on five different occasions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:914 SC 4C PERMIT

O-02074 SC 1A OP

Description: Failed to prevent visible emissions at the flare (EPN No. PK-16) for greater than five minutes in any two consecutive hours on two separate occasions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01896 SC 1A OP

Description: Failed to identify and mark two pieces of equipment in benzene service during the certification period of September 1, 2005 to February 28, 2006.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01896 SC 1A OP

Description: Failed to maintain 24 drums containing waste material in a properly sealed position.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-02074 SC 1A OP

Description: Failed to determine the annual benzene waste quantity at the point of waste generation and to keep records for those points for the reporting period of April 11, 2006 through October 10, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-01896 SC 1A OP

Description: Failed to maintain the fluoride content feed rate below the feed rate of 19 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report a reportable emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9176 SC 1 PERMIT

Spec. Cond. 8 OP

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:20204 SC 1 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere.

- 2 Effective Date: 07/21/2008 ADMINORDER 2008-0037-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:20204, Special Condition 1 PERMIT
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
- 3 Effective Date: 08/29/2008 ADMINORDER 2007-1755-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours. Treatment Technique Violation.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
Description: January 2006 - 3 days with a low concentration time for more than 4 consecutive hours.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)
Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
Description: May 2006 - 1 day when concentration time data were not collected.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

- 4 Effective Date: 10/23/2008 ADMINORDER 2008-0499-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:9176, Special Condition 1 PERMIT
O-02001, General Terms and Conditions OP
O-02001, Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:O-02001, General Terms and Conditions OP
O-02001, Special Condition 8 OP
Permit 9176, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.
- 5 Effective Date: 10/23/2008 ADMINORDER 2004-1135-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.110
5C THC Chapter 382, SubChapter A 382.085(b)
Description: failing to use an approved EPA method to determine the concentration of substances in the cooling water of the Adiponitrile ("ADN") Unit, as documented during an investigation on May 21, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:914 Special Condition 15.I. PA
Description: failing to repair 72 components (valves) in VOC service during the April 23, 2003 to May 27, 2003 shutdown, as documented during a June 8, 2003 investigation. Specifically, from April 14, 1998 through April 23, 2003 approximately 100 components had been placed on the shutdown list, however, 72 components were not repaired during the shutdown. The investigator estimates that these valves released 2.02 tons of emissions.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limitations and Monitoring R 1 PERMIT
Effluent Limitations PERMIT
Description: failing to comply with effluent limits for outfalls 101A and 201A, as documented on March 20, 2002 and January 10, 2003 during records reviews. See Effluent Limit Violation Table ("Attachment G") for details concerning the violations.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:914, SC 1 PERMIT
914, SC 2 PERMIT
914, SC 4 PERMIT
Description: failing to maintain an emissions rate below the authorized emission rate for an emissions event that occurred on October 20, 2003, as documented by an investigation on October 20, 2003. Specifically, the Plant released 3,259 pounds of NOx, 16,946 pounds of CO, 7,686 pounds of ethylene, 962 pounds of 1, 3 butadiene, 471 pounds of benzene, 41 pounds of butane, 75 pounds of pentane, 43 pounds of propane, 187 pounds of propylene, 14 pounds of propadiene, 38 pounds of butylenes, 78 pounds of . . .
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failing to prevent unauthorized emissions released at the D-Unit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:MAERT PERMIT

Description: failing to comply with an emissions limitation as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to include all required information on the final report of an emissions event as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits, individually listed compounds and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on October 20, 2002. Additionally, there was a failure to notify the TCEQ within 24 hours of the event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:1302/ General Condition MAERT PERMIT
1790/General Condition MAERT PERMIT
9629 PERMIT

Description: Failing to maintain emission rate below the permitted limit as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Since the emissions events were avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 5 ("Attachment F") for details concerning the emission rate.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to include all required information on the final reports of emissions events as documented by an investigation occurring from April 16, 2004 through April 30, 2004. Specifically, the authorized emission limits and facility identification number ("FIN") were not included in the final report for an unauthorized emission event that occurred on November 4, 2002, December 20, 2002 and December 30, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: exceeding the Maximum Contaminant Level of 0.060 milligrams per liter based on a running annual average for haloacetic acids (HAA5) during the First Quarter 2004 as documented by an investigation on March 10, 2004. Specifically, the level for the first quarter 2004 was 0.684 milligrams per liter with a running average of 0.171 milligrams per liter for 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:9176 and 20204/MAERT PERMIT

Description: failing to comply with an emissions limitation by allowing 11 unauthorized emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable or not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 1 ("Attachment B") for details concerning the 11 emissions events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failing to properly notify the TCEQ regional office of reportable emissions events as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.207(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to maintain an emission rate below the allowable plant wide oxides of nitrogen ("NOx") limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, the established NOx emissions plant wide limit on the GE PG711 83 MW Turbine, EPN PG-14, is 180.100 pounds/hour. On May 23, 2003, from 07:15-08:15 hours, a reportable emissions event occurred at the Cogeneration Area which resulted in the release of

532.590 pounds of nitrogen oxide ("NO") and 266.140 pounds
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:914/MAERT PERMIT

Description: failing to comply with an emissions limitation on June 25, 2003 from 12:28 to 12:37 hours when a Plant wide incident caused an electrical upset resulting in equipment shutdowns which caused several reportable emissions events including the release of 49,050 pounds of propylene from the Propylene Feed Header, Emissions Point Number ("EPN") DA01401, as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: failing to notify the TCEQ regional office of two reportable emissions events within 24 hours as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. See Table 2 ("Attachment C") for details concerning the reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:914, Special Condition 1 PERMIT

Description: failing to maintain an emission rate below the MAERT limits as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222. See Table 3 ("Attachment D") for details concerning the emission rate.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:1302, Special Condition 2 PERMIT

Description: failing to properly operate a flare as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 12:30 hours, an emissions event occurred that resulted in the ADN Operating Flare, EPN PP-3, smoking for a duration of 15 minutes which is more than the five minutes allowed in any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Conditions 1, 2, and 4 PERMIT

Description: failing maintain an emissions rate below the allowable emission limit as documented by an investigation on June 16, 17, 18, 21, 22 and 25, 2004. Specifically, on June 25, 2003, from 12:15 to 13:45 hours, the Plant released 7,789 pounds of carbon monoxide ("CO"), 1,359.45 pounds of NO and 1 pound NOx from the Ethylene Operating Flare CB-801 for a duration of 1 hour 30 minutes. Additionally, the Respondent reported that the Ethylene Operating Flare CB-801 smoked for approximately 1 hour 30

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failing to submit complete information regarding reportable emission events that occurred between November 28 and November 29, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:1302, General Condition 8 PERMIT

Description: failing to comply with permitted emissions limits. Specifically, during the improperly reported event that began on November 28, 2003, the authorized emissions limits for nitrogen oxides ("NOx") from the Operating Flare (EPN PP-3) were 20 pounds per hour, and the flare emitted 35.7 pounds per hour of NOx over a period of 19 hours. Since the

emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:SC 1 PERMIT

Description: failing to maintain an emission rate below the allowable emission limits as documented by an investigation occurring from February 2, 2005 through February 11, 2005. Specifically, on September 29, 2004, unauthorized emissions occurred during a reportable emissions event at the Building 572 High Pressure Separator Stack and Reactor Dump Stack. Simultaneously during a one minute period starting at 09:27 hours, 1,890 pounds of volatile organic compounds ("VOC") and 210 pounds of VOC were emitted

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit No. 9176, Emission Standards 1 PERMIT

Description: failing to prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on July 26, 2004, during a reportable emissions event at the Blender Fines Collector Vent EPN PLUM-C, unauthorized emissions of 340 pounds of ethylene and 42 pounds of particulate matter ("PM") resulted during a 17 hour 3 minute period. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to properly notify the TCEQ regional office of a reportable emissions event with 24 hours as documented by an investigation on July 25, 2005. The emissions event of July 26, 2004 began at 13:27 hours but was not reported until July 29, 2004 at 14:45 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: failing to comply with the final record requirements for an emissions event as documented by an investigation on July 25, 2005. The final report for the April 8, 2005 emissions event did not identify or quantify the amount of CO released, the NOx emissions were not speciated and the authorized limits were not properly reported for EPN PP-3.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:1302, GC 8 PERMIT

Description: failing to maintain an emission rate limit as documented by an investigation on July 25, 2005. Specifically, on April 8, 2004 during a two hour emissions event 840.06 pounds of NOx and 307 pounds of hydrogen cyanide were released in excess of permit limits from EPN PP-3. Since the emissions event was not properly reported, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit No. 20204, Special Condition 1 PERMIT

Description: failing prevent unauthorized emissions as documented by an investigation on July 25, 2005. Specifically, on March 29, 2005, during an emissions event at the G-Unit, unauthorized emissions of 502.3 pounds of ethylene and 195.7 pounds of vinyl acetate were released from the Number 4 Recycle Compressor Fire Protection Dump, EPN PL-5H, during a three minute period. Since the emissions event was avoidable, Du Pont failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Rqmt Prov:Effluent Limitations and Monitoring PERMIT

Description: failing to comply with the permit limit for pH range excursions for more than 60 minutes at outfall 001 as documented on March 20, 2002 and January 10, 2003 during records reviews.

6 Effective Date: 04/20/2009 ADMINORDER 2008-1315-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- 7 Effective Date: 05/18/2009 ADMINORDER 2008-0971-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:914, Special Condition 1 PERMIT
O-02074, General Terms and Conditions OP
O-02074, Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limit. Incident 102860.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:9176, Special Condition 1 PERMIT
O-02001, General Terms and Conditions OP
O-02001, Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limit. Incident 103221.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Special Condition 1 OP
Special Condition 8 PERMIT
Description: Failure to notify the agency within 24 hours of the discovery of an emissions event. Specifically, the reportable event report for the February 2, 2008, emissions event was not submitted 24 hours after the discovery of the event.
- 8 Effective Date: 06/01/2009 ADMINORDER 2008-1923-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
Description: Failed to provide an air gap connection to waste for the FTW connection at the Facility.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failed to identify the chlorine dioxide line every five feet either by the use of a label or by various colors of paint.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: Failed to post a sign at the raw water intakes warning that a restricted zone has been established and that all recreational activities and trespassing is prohibited within the area.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failed to install a backflow prevention assembly or an air gap at all locations where an actual or potential contamination hazard exist.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)
Description: Failed to provide disinfection equipment with a capacity of at least 50% greater than the highest expected disinfectant dosage.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failed to maintain an up-to-date plant operations manual for operator review and reference.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failed to maintain the Facility's clearwell in strict accordance with current AWWA standards.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failed to provide an up-to-date map of the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(D)

Description: Failed to properly locate the filter so that common walls do not exist between the filter and aerators, mixing, and sedimentation basins or clearwells.

9 Effective Date: 06/15/2009 ADMINORDER 2008-1817-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for TCEQ Incident No. 110539.

10 Effective Date: 07/09/2009 ADMINORDER 2008-1167-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:NSR Permit No. 9629, SC 12 PERMIT

O-02331 General Terms and Conditions OP

O-02331 Special Condition 6 OP

Description: Failed to operate the Cogeneration Train, emission point number ("EPN") PG-14, at or below the nitrogen oxide ("NOx") concentration limit of 96 parts per million ("ppm") four times between September 25 and November 11, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 117, SubChapter B 117.140(c)(1)

30 TAC Chapter 117, SubChapter B 117.140(e)

30 TAC Chapter 117, SubChapter B 117.340(c)(1)

30 TAC Chapter 117, SubChapter B 117.340(f)(1)

30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:9629 Special Condition 3 PERMIT

O-02331 General Terms and Conditions OP

O-02331 Special Condition 1A OP

O-02331 Special Condition 1D OP

O-02331 Special Condition 4B OP

O-02331 Special Condition 4F OP

O-02331 Special Condition 6 OP

Description: Failed to conduct a Relative Accuracy Test ("RAT") and a 7-day Calibration Drift ("CD") test on a NOx analyzer in the Cogeneration Unit, which resulted in the inability to certify that the continuous emissions monitoring system ("CEMS") was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 117, SubChapter B 117.140(d)

30 TAC Chapter 117, SubChapter B 117.140(e)

30 TAC Chapter 117, SubChapter B 117.340(e)

30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)
30 TAC Chapter 117, SubChapter G 117.8120(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(f)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:9629 Special Condition 3 PERMIT
O-02331 General Terms and Conditions OP
O-02331 Special Condition 1A OP
O-02331 Special Condition 1D OP
O-02331 Special Condition 4B OP
O-02331 Special Condition 4F OP
O-02331 Special Condition 6 OP

Description: Failed to conduct a RAT and a 7-day CD test on a carbon monoxide ("CO") analyzer in the Cogeneration Unit, which resulted in the inability to certify that the CEMS was operating properly.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:9176, Special Condition 1 PERMIT
O-02001, General Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02001 General Terms and Conditions OP
O-02001 Special Condition 2G OP

Description: Failed to submit a final record for an emissions event (Incident No. 105482) within two weeks after the end of the event. The initial report was submitted timely, but the emissions amounts and duration subsequently changed, and a final record with the corrected information was not submitted by April 17, 2008 (two weeks after the event that ended on April 3, 2008). On June 1, 2008, the correct amount and duration of emissions was submitted via electronic mail.

11 Effective Date: 10/04/2009 ADMINORDER 2009-0285-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-02001 Special Condition 2F OP

Description: Failure to submit an initial report within 24 hours for T CEQ Incident No. 116375.

- 12 Effective Date: 10/31/2009 ADMINORDER 2009-0600-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:20204, Special Condition 1 PERMIT
 O-02055, General Terms and Conditions OP
 O-02055, Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:20204 Special Condition 1 PERMIT
 FOP O-02055 General Terms and Conditions OP
 FOP O-02055 Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:914, Special Condition 1 PERMIT
 O-02074, General Terms and Conditions OP
 O-02074, Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:914, Special Condition 1 PERMIT
 O-02074, General Terms and Conditions OP
 O-02074, Special Condition 15 OP
Description: Failure to maintain an emission rate below the allowable emission limits.
- 13 Effective Date: 02/07/2010 ADMINORDER 2009-1011-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 8 OP
Description: Failure to maintain an emission rate below the allowable emission limits (Incident 121831). Specifically, the emissions event was caused by the Suction Separator, Purge Compressor 1st, 2nd, 3rd, and 4th Stage Blowdowns, and Wax Tank Vent being left open to atmosphere during a maintenance activity on the C Unit Flare Header Guard Valve.
- 14 Effective Date: 07/11/2010 ADMINORDER 2009-1958-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
 Special Condition 1 PERMIT
 Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

15 Effective Date: 03/19/2011 ADMINORDER 2010-0839-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 335, SubChapter H 335.221(a)(15)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Condition X(B)(1)(j) PERMIT
SC 17 OP
SC 1A OP

Description: Failure to comply with the carbon monoxide emission limit of 14.6 lb/hr at the Incinerator as reported in the deviation reports for September 1, 2008, until February 28, 2009, and March 1, 2009, until August 31, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 8 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

- 16 Effective Date: 08/13/2011 ADMINORDER 2011-0208-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC 1 PERMIT
 SC 1A OP
 Description: Failure to maintain an emission rate below the allowable emission limits for Incident 146789.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to satisfy the final reporting requirements for a reportable emissions event for Incident 145301.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC 1 PERMIT
 SC 1A OP
 Description: Failure to maintain an emission rate below the allowable emission limit for Incident 145301.
- 17 Effective Date: 05/25/2012 ADMINORDER 2011-1732-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to timely submit the final record for a maintenance activity (Incident No. 155487). Specifically, the maintenance activity began on June 10, 2011 and ended on June 11, 2011, and the final record was submitted on July 19, 2011, more than two weeks after the end of the maintenance activity
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SC 1 PERMIT
 SC 1A OP
 Description: Failed to prevent unauthorized emissions during a maintenance activity (Incident No. 155487). Specifically, during a scheduled maintenance activity that began on June 10, 2011, and lasted approximately 16 hours and 20 minutes, the Respondent released approximately 4,024.75 pounds ("lbs") of volatile organic compounds and 4,958.96 lbs of particulate matter from the Regenerative Thermal Oxidizer's Baghouse Vent [Emission Point No. PL-10] located in the D Unit.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 20, 2007	(596110)
Item 2	December 07, 2007	(619563)
Item 3	January 17, 2008	(610417)
Item 4	March 03, 2008	(613811)
Item 5	April 09, 2008	(672087)
Item 6	May 05, 2008	(640667)
Item 7	May 07, 2008	(646161)
Item 8	May 14, 2008	(657311)
Item 9	June 03, 2008	(690015)
Item 10	June 24, 2008	(690014)
Item 11	July 09, 2008	(680161)
Item 12	August 02, 2008	(683872)
Item 13	August 21, 2008	(710791)
Item 14	October 02, 2008	(710794)

Item 15	October 08, 2008	(701116)
Item 16	October 12, 2008	(699737)
Item 17	November 25, 2008	(706867)
Item 18	December 17, 2008	(750320)
Item 19	January 15, 2009	(722163)
Item 20	January 21, 2009	(709214)
Item 21	January 26, 2009	(722360)
Item 22	January 29, 2009	(723620)
Item 23	February 18, 2009	(735803)
Item 24	February 23, 2009	(750317)
Item 25	February 25, 2009	(725736)
Item 26	March 23, 2009	(737577)
Item 27	March 25, 2009	(724903)
Item 28	April 23, 2009	(750319)
Item 29	May 11, 2009	(741609)
Item 30	May 22, 2009	(768403)
Item 31	June 04, 2009	(744517)
Item 32	June 14, 2009	(768404)
Item 33	July 23, 2009	(762808)
Item 34	July 28, 2009	(804796)
Item 35	August 24, 2009	(804795)
Item 36	September 10, 2009	(762825)
Item 37	September 11, 2009	(767515)
Item 38	September 15, 2009	(775525)
Item 39	September 24, 2009	(764051)
Item 40	October 01, 2009	(764835)
Item 41	October 05, 2009	(764127)
Item 42	October 14, 2009	(767507)
Item 43	October 23, 2009	(804797)
Item 44	November 03, 2009	(780849)
Item 45	November 23, 2009	(804798)
Item 46	November 24, 2009	(781552)
Item 47	December 09, 2009	(784937)
Item 48	January 11, 2010	(804799)
Item 49	January 22, 2010	(804800)
Item 50	January 28, 2010	(785297)
Item 51	February 01, 2010	(788600)
Item 52	February 16, 2010	(791368)
Item 53	February 25, 2010	(804793)
Item 54	March 22, 2010	(793111)
Item 55	April 20, 2010	(830933)
Item 56	May 20, 2010	(830934)
Item 57	May 26, 2010	(802185)
Item 58	June 03, 2010	(802860)
Item 59	June 10, 2010	(802838)
Item 60	June 21, 2010	(846284)
Item 61	July 21, 2010	(860879)
Item 62	July 31, 2010	(826906)
Item 63	August 20, 2010	(866847)
Item 64	September 16, 2010	(864081)
Item 65	September 22, 2010	(873917)
Item 66	October 04, 2010	(865152)
Item 67	October 20, 2010	(881518)
Item 68	November 18, 2010	(888044)
Item 69	November 29, 2010	(877136)
Item 70	December 15, 2010	(896259)
Item 71	January 19, 2011	(891097)
Item 72	January 20, 2011	(902320)
Item 73	January 21, 2011	(887844)
Item 74	February 03, 2011	(893116)

Item 75	February 15, 2011	(909102)
Item 76	February 23, 2011	(899236)
Item 77	March 16, 2011	(916357)
Item 78	April 11, 2011	(924832)
Item 79	April 18, 2011	(912901)
Item 80	May 11, 2011	(912705)
Item 81	May 18, 2011	(938043)
Item 82	May 31, 2011	(915887)
Item 83	June 14, 2011	(945411)
Item 84	July 13, 2011	(952639)
Item 85	July 19, 2011	(922140)
Item 86	August 16, 2011	(959321)
Item 87	September 16, 2011	(965354)
Item 88	September 22, 2011	(956748)
Item 89	October 17, 2011	(971394)
Item 90	October 26, 2011	(962475)
Item 91	November 17, 2011	(977553)
Item 92	November 29, 2011	(958427)
Item 93	December 13, 2011	(984321)
Item 94	January 31, 2012	(981940)
Item 95	February 19, 2012	(987680)
Item 96	May 25, 2012	(1006347)
Item 97	June 15, 2012	(1013697)
Item 98	June 23, 2012	(1024186)
Item 99	July 06, 2012	(1014731)
Item 100	August 22, 2012	(1037956)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/29/2011	(957738)	CN600128284	
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(l)			
	Description:	Failure to meet the requirements of the filter-to-waste air gap exception.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	Failure to repair the SCADA system.			
2	Date:	11/30/2011	(965080)	CN600128284	
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)			
		30 TAC Chapter 116, SubChapter B 116.115(c)			
		30 TAC Chapter 122, SubChapter B 122.143(4)			
		40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)			
		5C THSC Chapter 382 382.085(b)			
		SC 10E PERMIT			
		SC 1A OP			
	Description:	Failure to cap open-ended lines.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)			
		30 TAC Chapter 116, SubChapter B 116.115(c)			
		30 TAC Chapter 122, SubChapter B 122.143(4)			
		5C THSC Chapter 382 382.085(b)			
		SC 1A OP			
		SC 9E PERMIT			
	Description:	Failure to cap open-ended lines.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
		30 TAC Chapter 122, SubChapter B 122.143(4)			
		5C THSC Chapter 382 382.085(b)			
		SC 1A OP			
		SC 8 PERMIT			
	Description:	Failure to perform daily zero checks at the Cooling Tower (EPN PK-38).			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)			

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to report a deviation.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to maintain a VOC limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to maintain the representations of NSR Permit 914.

3 Date: 11/30/2011 (969098) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to report a deviation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 61, Subpart V 61.242-6
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to cap open-ended lines.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to maintain a flowmeter span.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(5)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to operate the HW Incinerator as required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to maintain a lid on a waste container.

4 Date: 11/30/2011 (964044) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 3E PERMIT
 Description: Failure to maintain a cap, blind flange, plug, or second valve in VOC service.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 6D PERMIT
 Description: Failure to maintain records at the CDG Flare.
 Self Report? NO Classification: Minor

	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 13 PERMIT SC 1A OP	
	Description:	Failure to maintain chamber temperature at the West Regenerative Thermal Oxidizer.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP	
	Description:	Failure to conduct timely monitoring of a pressure relief valve.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 6B PERMIT	
	Description:	Failure to maintain a continuous flame at the CDG Flare (EPN PL-22).	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 117, SubChapter G 117.8140(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP	
	Description:	Failure to conduct quarterly monitoring.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 23(C) PERMIT	
	Description:	Failure to calibrate the LEL Detector with a gas equivalent to 25% of the LEL.	
5	Date:	12/31/2011 (990621)	CN600128284
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
6	Date:	01/10/2012 (974177)	CN600128284
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 5A PERMIT	
	Description:	Failure to record daily visible emissions readings on all filter vents.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(1)(C) 5C THSC Chapter 382 382.085(b) SC 1A OP	
	Description:	Failure to submit a Semiannual Deviation Report (SDR) in a timely manner.	
7	Date:	01/31/2012 (997982)	CN600128284
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
8	Date:	02/29/2012 (1003509)	CN600128284
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
9	Date:	03/06/2012 (612803)	CN600128284
	Self Report?	NO	Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: E. I. Dupont SRW failed to maintain records of weekly inspections for a period of three years.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: EIDSRW failed to keep containers of hazardous waste closed when not adding waste.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(b)(3)

Description: The stormwater collection sump near NOR no. 34 contained an excessive amount of stormwater. This stormwater appeared to contain hazardous waste generated/stored at the site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.153
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.56

Description: EIDSRW failed to maintain safety equipment as required by TCEQ Permit no. 50230, Table 3.E., Equipment Equipment.

10 Date: 03/31/2012 (1010070) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

11 Date: 04/30/2012 (1016464) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

12 Date: 06/30/2012 (1031579) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

13 Date: 08/16/2012 (1022820) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 Description: Failure to monitor valves in a timely manner.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1A OP
 SC 6 PERMIT
 Description: Failure to maintain the minimum temperature of the RTO. B19g1

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 11 OP
 SC 13 OP
 Description: Failure to conduct fugitive monitoring on components in the C Unit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 1A OP

Description:	Failure to report a deviation.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GC 1 PERMIT SC 1A OP		
Description:	Failure to maintain permit representations (hours of operation and annual production rates) at the C Unit.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(C) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SC 1A OP		
Description:	The facility failed to report a deviation.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1A OP SC 4E PERMIT		
Description:	Failure to monitor an open-ended line and relief valve within 72 hours.		

14	Date:	10/02/2012 (1027481)	CN600128284
	Self Report?	NO	Classification: Minor
	Citation:	D&SPC No. 3(a), Page 4 PERMIT	
	Description:	Failure by DuPont to collect composite samples proportional to flow.	
	Self Report?	NO	Classification: Moderate
	Citation:	PC No. 2(g), Page 7 PERMIT	
	Description:	Failure by DuPont to prevent the unauthorized discharge of industrial wastewater.	

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS
AND COMPANY
RN100542711**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2344-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 31, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand One Hundred Twenty-Six Dollars (\$13,126) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Fifty-

One Dollars (\$5,251) of the administrative penalty and Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Two Hundred Fifty Dollars (\$5,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 28, 2012, corrected the red and green indicator lights on the Makeup/Number 6 Recycle breaker;
 - b. On September 11, 2012, conducted area specific refresher personnel training on how to analyze load status of the breakers;
 - c. On September 14, 2012, updated the unit procedure to include a requirement to verify the condition of equipment and labeling prior to equipment racking;
 - d. On October 2, 2012, color coded the screens on the control console to improve recognition of each Hyper Compressor; and
 - e. On October 15, 2012, conducted training for four shifts of personnel to communicate the need for operators to be more attentive and to ensure they are using the correct equipment screens before making changes to the process.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during an emissions event that occurred on June 9, 2012 in the G Unit of the Number 3 Makeup/Number 6 Recycle Compressor, Emission Point No. ("EPN") PL-GRV3, and lasted three minutes (Incident No. 169473), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 20204, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-02055, Special Terms and Conditions ("STC") No. 11, as documented during a record review conducted on August 28, 2012. Specifically, the Respondent released 349 pounds ("lbs") of ethylene to the CDG Flare, EPN PL-22, when the compressor was inadvertently shut down by an operator. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions during an emissions event that occurred on August 8, 2012 at the Number 4 Hyper Compressor located in the G Unit, EPN PLUMG, and lasted one minute (Incident No. 172088), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 20204, SC No. 1, and FOP No. O-02055, STC No. 11, as documented during a record review conducted on August 28, 2012. Specifically, the Respondent released 834.93 lbs of ethylene, 55.59 lbs of iso-butyl acrylate, 18.53 lbs of methyl acrylic acid, and 17.48 lbs of propane to the atmosphere when an operator inadvertently closed a discharge valve that led to a pressure increase and eventual rupture of a safety disc. Since the emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E. I. du Pont de Nemours and Company, Docket No. 2012-2344-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Two Hundred Fifty Dollars (\$5,250) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/29/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

1-28-2013
Date

JOHN R LAUGHLIN
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-2344-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E. I. du Pont de Nemours and Company
Penalty Amount:	Ten Thousand Five Hundred One Dollars (\$10,501)
SEP Offset Amount:	Five Thousand Two Hundred Fifty Dollars (\$5,250)
Type of SEP:	Contribution to a Third-Party Recipient SEP
Third-Party Recipient:	Texas PTA - <i>Texas PTA Clean School Buses</i>
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

E. I. du Pont de Nemours and Company
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.